

Exhibit E

SUPREME COURT: ALL COUNTIES  
WITHIN THE STATE OF NEW YORK

IN RE: NEW YORK CITY :  
ASBESTOS LITIGATION :  
 : DEPOSITION UPON  
This Document Applies To: : ORAL EXAMINATION  
 : OF  
CHRISTIAN HOLINKA : CHRISTIAN HOLINKA  
 : (VOLUME III)  
----- :

T R A N S C R I P T of the deposition of  
CHRISTIAN HOLINKA, called for Oral Examination in the  
above entitled action, said deposition being taken  
pursuant to Rules governing Civil Practice in the Courts  
of New York, by and before KERRY D. HALPERN, a Notary  
Public and Shorthand Reporter of the State of New York,  
at the LAW OFFICES of WEITZ & LUXENBERG, P.C., 120 Wall  
Street, 15th floor, New York, New York 10038, on  
Thursday March 1, 2007, commencing at 10:35 a.m.

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1 IT IS HEREBY STIPULATED AND AGREED  
2 by and between the attorneys for the respective parties  
3 hereto that filing, sealing and certification of the  
4 within Examination Before Trial be waived; that all  
5 objections, except as to form, are reserved to the time  
6 of trial.

7 IT IS FURTHER STIPULATED AND AGREED  
8 that the transcript may be signed before any Notary  
9 Public with the same force and effect as if signed before  
10 a Clerk or Judge of the Court.

11 IT IS FURTHER STIPULATED AND AGREED  
12 that the within examination may be utilized for all  
13 purposes as provided by the CPLR and Part 221 of the  
14 Uniform Rules for the Conduct of Depositions.

15 IT IS FURTHER STIPULATED AND AGREED  
16 that all rights provided to all parties by the CPLR shall  
17 not be deemed waived and the appropriate sections of the  
18 CPLR shall be controlling with respect thereto.

19 IT IS FURTHER STIPULATED AND AGREED by and  
20 between the attorneys for the respective parties hereto  
21 that a copy of this Examination shall be furnished,  
22 without charge, to the attorney representing the witness  
23 testifying herein.  
24  
25

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1 FOR THE DEFENDANT CBS:  
2 FOR THE DEFENDANT ADIENCE:

3 MALABY, CARLISLE & BRADLEY, LLC  
4 BY: KOO LEE, ESQ.  
5 150 Broadway  
6 New York, New York 10038

7 FOR THE DEFENDANT A.W. CHESTERTON:

8 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP  
9 BY: TODD DeSIMONE, ESQ.  
10 150 East 42nd Street  
11 New York, New York 10017

12 FOR THE DEFENDANT LENNOX INDUSTRIES, INC.:

13 DARGER & ERRANTE, LLP  
14 BY: CRAIG GLANTZ, ESQ.  
15 116 East 27th Street  
16 12th Floor  
17 New York, New York 10016

18 FOR THE DEFENDANT AMCHEM:  
19 FOR THE DEFENDANT CERTAINTIED:

20 ANDERSON, KILL & OLICK, P.C.  
21 BY: JONATHAN KROMBERG, ESQ.  
22 1251 Avenue of the Americas  
23 New York, New York 10020-1182

24 FOR THE DEFENDANT BECKMAN COULTER INSTRUMENTS:

25 McGIVNEY & KLUGER, P.C.  
BY: EYAL EISIG, ESQ.  
80 Broad Street  
20th Floor  
New York, New York 10007

Page 250

1 APPEARANCES:  
2 FOR THE PLAINTIFF:  
3 WEITZ & LUXENBERG, P.C.  
4 BY: BENJAMIN DARCHÉ, ESQ.  
5 180 Maiden Lane  
6 17th Floor  
7 New York, New York 10038

8 FOR THE DEFENDANT FISHER SCIENTIFIC:

9 HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP  
10 BY: KRISTY KULINA LYONS, ESQ.  
11 40 Paterson Street  
12 Box 480  
13 New Brunswick, New Jersey 08903

14 FOR THE DEFENDANT BAXTER HEALTHCARE:  
15 DRINKER, BIDDLE & REATH, LLP  
16 BY: TIMOTHY J. FRASER, ESQ.  
17 500 Campus Drive  
18 Florham Park, New Jersey 07932-1047

19 FOR THE DEFENDANT VWR INTERNATIONAL:  
20 UNIVAR USA:

21 DRINKER, BIDDLE & REATH, LLP  
22 BY: DAVID F. ABERNETHY, ESQ.  
23 500 Campus Drive  
24 Florham Park, New Jersey 07932-1047

25 FOR THE DEFENDANT KEWAUNEE SCIENTIFIC CO.:

MALABY, CARLISLE & BRADLEY, LLC  
BY: DAVID SCHAFER, ESQ.  
150 Broadway  
New York, New York 10038

Page 252

1 FOR THE DEFENDANT MANOR CARE HEALTH SERVICES:  
2 REED SMITH, LLP  
3 BY: GREG A. DADIKA, ESQ.  
4 The Legal Center  
5 One Riverfront Plaza  
6 Newark, New Jersey 07102

7 FOR THE DEFENDANT DuPONT:

8 LEADER & BERKON, LLP  
9 BY: GLORIA KOO, ESQ.  
10 630 Third Avenue  
11 New York, New York 10017

12 FOR THE DEFENDANT INGERSOLL RAND:

13 PEHLIVANIAN, BRAATEN & PASCARELLA, LLC:  
14 BY: MICHELE MITTLEMAN, ESQ.  
15 2430 Route 34  
16 Manasquan, New Jersey 07963

<p style="text-align: right;">Page 253</p> <p>1 INDEX</p> <p>2</p> <p>3 WITNESS: CHRISTIAN HOLINKA</p> <p>4 EXAMINATION PAGE</p> <p>5 MS. KULINA LYONS 255, 318</p> <p>6 MR. FRASER 287</p> <p>7 MR. SCHAFER 314, 318</p> <p>8 MR. DANCHE 315</p> <p>9 MR. ABERNETHY 319</p> <p>10 MR. DADKA 319</p> <p>11</p> <p>12</p> <p>13 EXHIBITS:</p> <p>14 DEFENDANTS' DESCRIPTION PAGE</p> <p>15</p> <p>16</p> <p>17 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:</p> <p>18 PAGE LINE</p> <p>19 None</p> <p>20</p> <p>21 INFORMATION TO BE SUPPLIED:</p> <p>22 PAGE LINE</p> <p>23 304-12</p> <p>24 308-17</p> <p>25 312-20</p>	<p style="text-align: right;">Page 255</p> <p>1 CHRISTIAN HOLINKA,</p> <p>2 having first been duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. KULINA LYONS:</p> <p>7 Q. Good morning, Mr. Holinka. My name is</p> <p>8 Kristy Lyons. I am from the law firm of Hoagland, Longo,</p> <p>9 Moran, Dunst &amp; Doukas. I have several questions for you</p> <p>10 today mostly surrounding the actual labs that you worked</p> <p>11 in.</p> <p>12 I will try to be as brief as I can. I</p> <p>13 will be asking the same questions for each job site that</p> <p>14 you worked at, and it will start to get into a routine.</p> <p>15 So, let's try not to talk over each other, okay?</p> <p>16 A. Okay.</p> <p>17 Q. And the same rules are in effect as the</p> <p>18 last deposition.</p> <p>19 Are you taking any medications today?</p> <p>20 A. No.</p> <p>21 Q. I know the last time we spoke you were</p> <p>22 going to see Dr. Moline this week.</p> <p>23 A. Yes.</p> <p>24 Q. Did you go see her?</p> <p>25 A. Yes, I did.</p>
<p style="text-align: right;">Page 254</p> <p>1 MOVE TO STRIKE:</p> <p>2 PAGE LINE</p> <p>3 None</p> <p>4</p> <p>5</p> <p>6 MARK FOR RULING:</p> <p>7 PAGE LINE</p> <p>8 None</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. What did that exam involve?</p> <p>2 A. An oral history and a physical</p> <p>3 examination.</p> <p>4 Q. Did she take a chest x-ray?</p> <p>5 A. No.</p> <p>6 Q. Did she advise you of any opinions?</p> <p>7 A. No.</p> <p>8 Q. When did you go see her?</p> <p>9 A. On Monday.</p> <p>10 Q. Monday?</p> <p>11 A. Yes.</p> <p>12 Q. This past Monday?</p> <p>13 A. This week, yes.</p> <p>14 Q. Have you seen any other doctors since</p> <p>15 the last time we spoke?</p> <p>16 A. No.</p> <p>17 Q. I think that we are clear, but just so</p> <p>18 the record is clear, various times throughout your</p> <p>19 testimony, you referred to mittens and gloves</p> <p>20 interchangeably.</p> <p>21 A. That's correct.</p> <p>22 Q. I just want to make sure that you were</p> <p>23 always talking about mittens, correct?</p> <p>24 A. I was always talking about mittens.</p> <p>25 Q. You have never worn a glove where all</p>

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1 your fingers were able to move around?  
 2 A. No.  
 3 Q. You taught at NYU?  
 4 A. Yes, I did.  
 5 Q. How long did you teach there?  
 6 A. Two separate years as an adjunct faculty  
 7 member.  
 8 Q. Did you teach in the same building?  
 9 A. No.  
 10 Q. What buildings did you teach in?  
 11 A. Tisch Hall.  
 12 Q. Where is that?  
 13 A. And I believe the Brown building.  
 14 Q. Where is that?  
 15 A. On the campus in the village.  
 16 Q. Do you know the address of Tisch Hall?  
 17 A. No.  
 18 Q. And the Brown building?  
 19 A. No.  
 20 Q. Is that something that someone who went  
 21 to NYU would know where the Brown building is?  
 22 A. Yes.  
 23 Q. I will ask my husband.  
 24 Is anybody financially dependent upon  
 25 you?

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1 A. No.  
 2 Q. The friend that you have that lives in  
 3 your condo, does he pay rent?  
 4 A. Some.  
 5 Q. Okay.  
 6 What does he pay per month?  
 7 A. About \$400.  
 8 Q. Does anyone live with you currently?  
 9 A. No.  
 10 Q. When you were in Germany living with  
 11 your aunt and cousin at various times, were you also  
 12 living with your mom?  
 13 A. No.  
 14 Q. Did you ever live with your mom?  
 15 A. When I was very small.  
 16 Q. So, your aunt raised you?  
 17 A. Yes.  
 18 Q. When you were in basic training in the  
 19 Army, what were you doing exactly?  
 20 A. Push-ups, pull ups, learn how to shoot,  
 21 run and receive instructions on military matters.  
 22 Q. So, mainly physical?  
 23 A. Yes.  
 24 Q. Where did you sleep when you were in  
 25 basic training?

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1 A. In billets or in tents.  
 2 Q. In billets?  
 3 A. Barracks really. We called them  
 4 billets.  
 5 Q. Was there any piping running through the  
 6 barracks?  
 7 A. I don't remember.  
 8 Q. When you were in the Army and you were  
 9 stationed in Fort Sam, where were you sleeping?  
 10 A. In military quarters.  
 11 Q. Where were they located?  
 12 A. At Fort Sam Houston.  
 13 Q. I am sorry?  
 14 A. At Fort Sam Houston.  
 15 Q. Do you know if there was any piping  
 16 running through those barracks?  
 17 A. No, I don't.  
 18 Q. When you were in Germany at the 98th  
 19 General Hospital, where did you sleep?  
 20 A. At the hospital billets.  
 21 Q. Do you know if there was any piping  
 22 where you slept?  
 23 A. No, I don't.  
 24 Q. When you were in medical school in  
 25 Canada, where did you reside?

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1 A. At a private house.  
 2 Q. Do you know the address?  
 3 A. No.  
 4 Q. Do you know what town it was in?  
 5 A. Montvale.  
 6 Q. Do you know if any home renovation work  
 7 was done to that residence while you lived there?  
 8 A. I don't.  
 9 Q. Have you personally ever performed any  
 10 home renovations?  
 11 A. No.  
 12 Q. I want to talk to you a little bit about  
 13 the time that you were in the Army at Fort Sam.  
 14 Where was the laboratory that you worked  
 15 in?  
 16 A. At Fort Sam Houston.  
 17 Q. What building was it in?  
 18 A. I don't remember.  
 19 Q. Do you remember how large the building  
 20 was?  
 21 A. No, I don't.  
 22 Q. Do you remember anything specific about  
 23 the building, how many floors it was?  
 24 A. No, I don't.  
 25 Q. Okay.

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1 Do you know where the lab was located in  
2 the building?  
3 A. I don't remember.  
4 Q. Do you recall the dimensions of the lab  
5 that you worked in?  
6 A. No, I don't.  
7 Q. Do you know if it was more than one lab  
8 that you worked in while you were at Fort Sam?  
9 A. Yes, I do.  
10 Q. How many labs?  
11 A. Two laboratories.  
12 Q. And they were both in the same building?  
13 A. I don't remember.  
14 Q. Do you know if there was any sort of  
15 ventilation in those laboratories?  
16 A. I don't know.  
17 Q. Do you recall how many workstations were  
18 in the labs?  
19 A. About 25.  
20 Q. 25 workstations per laboratory?  
21 A. No, in one laboratory. It was a  
22 classroom.  
23 Q. There would be 25 work areas --  
24 A. About 25.  
25 Q. -- in each laboratory?

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1 A. No. The other one was pathology.  
2 Q. Okay.  
3 So, one laboratory had 25 workstations.  
4 A. Yes.  
5 Q. The other lab was pathology.  
6 A. Yes.  
7 Q. How many workstations were in the  
8 pathology lab?  
9 A. When you autopsy people, one doesn't  
10 really refer to it as workstations. There were two or  
11 three autopsy tables.  
12 Q. And that's fine, sir. I haven't  
13 personally worked in these labs, so that's fine to  
14 correct me --  
15 A. Sorry.  
16 Q. -- because I don't always understand and  
17 visualize that the same way as you. So, thank you for  
18 telling me that.  
19 What kind of work would you be doing in  
20 the lab with the 25 workstations?  
21 A. Hematology, biochemistry, urinalysis. I  
22 was a student there.  
23 Q. Do you recall how many students were in  
24 the classroom with you?  
25 A. Approximately 25.

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1 Q. Do you recall any of the names of those  
2 students?  
3 A. No.  
4 Q. How about when you worked in pathology,  
5 what were you doing?  
6 A. Assisting at autopsies.  
7 Q. Do you know who you were assisting?  
8 A. No.  
9 Q. Would you have used any of the Bunsen  
10 burners in the pathology department?  
11 A. No.  
12 Q. Would you have ever worn the mittens in  
13 the pathology department?  
14 A. No.  
15 Q. How much of your time was spent in the  
16 classroom versus the pathology department?  
17 A. The pathology period followed the  
18 classroom instructions --  
19 Q. Okay.  
20 So, you were -- I am sorry.  
21 A. -- and about two months pathology, about  
22 four months class work.  
23 Q. I thought you were at Brooks Medical  
24 Center for two months.  
25 Is that incorrect then? Were you there

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1 longer?  
2 A. No. I was there longer.  
3 Q. Okay.  
4 How long were you there?  
5 A. Approximately four and a half to five  
6 months.  
7 Q. So, you were in the classroom for  
8 approximately four months and then you moved to the  
9 pathology --  
10 A. Approximately three months classroom and  
11 approximately six weeks pathology.  
12 Q. Did you ever wear a mask or a respirator  
13 at Fort Sam?  
14 A. A respirator, no. A mask, yes.  
15 Q. What kind of mask did you wear?  
16 A. Just a normal surgical mask.  
17 Q. Why would you wear a surgical mask?  
18 A. When you worked with formaldehyde.  
19 Q. Would that only be in the pathology  
20 department?  
21 A. Yes.  
22 Q. Did you wear a lab coat?  
23 A. Oh, yes.  
24 Q. In both departments?  
25 A. Yes.

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1 Q. Did you wear goggles or a shield?  
 2 A. A shield of what sort?  
 3 Q. Well, did you wear any goggles?  
 4 A. No.  
 5 Q. Did you wear anything covering your  
 6 face?  
 7 A. No.  
 8 Q. When you worked in the classroom, where  
 9 were the mittens kept?  
 10 A. I don't remember.  
 11 Q. Were you assigned a certain pair of  
 12 mittens that were your mittens?  
 13 A. No.  
 14 Q. Do you know where the supplies were kept  
 15 at Fort Sam?  
 16 A. No.  
 17 Q. Then, you went to the 98th General  
 18 Hospital?  
 19 A. Yes.  
 20 Q. And you worked at --  
 21 A. No -- yes. I am sorry.  
 22 Q. Okay.  
 23 You worked in one lab consisting of  
 24 different divisions. Is that correct?  
 25 A. That's correct.

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1 Q. How large is the one open area?  
 2 A. The lab consisted of several rooms of  
 3 different sizes.  
 4 Q. Do you recall how many different rooms?  
 5 A. Five or six.  
 6 Q. Was each room set up for a different  
 7 purpose?  
 8 A. Yes.  
 9 Q. Did you work in all of the rooms?  
 10 A. Yes.  
 11 Q. Do you know the dimensions of any of the  
 12 rooms?  
 13 A. Not exactly, but approximately.  
 14 Q. Okay.  
 15 Why don't you first tell me what were  
 16 the five or six rooms for, what different departments?  
 17 A. Hematology, clinical chemistry,  
 18 bacteriology, histology and pathology.  
 19 Q. Okay.  
 20 The pathology room, do you recall the  
 21 dimensions of that room?  
 22 A. Approximately 300 square feet.  
 23 Q. And the histology room?  
 24 A. Approximately 300 to 400 square feet.  
 25 Q. I am sorry. What was the other one?

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1 A. Clinical chemistry and bacteriology  
 2 combined approximately 400 square feet.  
 3 Q. You had hematology --  
 4 A. Hematology approximately 200 square  
 5 feet.  
 6 Q. There was another one too. I missed it.  
 7 What was it, arc --  
 8 MR. DARCHE: Archeology.  
 9 MS. KULINA LYONS: Could you  
 10 read it back?  
 11 (The following testimony was  
 12 read back:  
 13 "Answer: Hematology, clinical  
 14 chemistry, bacteriology, histology and  
 15 pathology.")  
 16 A. Bacteriology and clinical chemistry were  
 17 combined in one room?  
 18 Q. And that was 400 square feet?  
 19 A. That was the largest. That's about 400  
 20 feet.  
 21 Q. Do you know if any of the rooms had any  
 22 ventilation?  
 23 A. I don't.  
 24 Q. Did any of the rooms have windows?  
 25 A. Yes.

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1 Q. Did they all have windows?  
 2 A. I don't remember.  
 3 Q. Do you recall which different areas had  
 4 windows?  
 5 A. No.  
 6 Q. Did you ever have the windows open while  
 7 you were working in the lab?  
 8 A. I don't remember.  
 9 Q. Was there one area that you spent more  
 10 time versus another?  
 11 A. Overall, no.  
 12 Q. So, you equally spent your time  
 13 throughout?  
 14 A. Yes.  
 15 MR. DARCHE: I am sorry.  
 16 Could we just take a break?  
 17 (A short recess was taken.)  
 18 Q. Sir, when you were in the Army at 98th  
 19 General Hospital, you generally mentioned autoclaves and  
 20 sterile hoods.  
 21 Do you recall that testimony?  
 22 A. They were part of the laboratory, yes.  
 23 Q. Did you ever see anyone doing any  
 24 repairs to any of the equipment in the laboratory?  
 25 A. No, I didn't.



Page 269

1 Q. Did you ever wear a mask or a respirator  
 2 when you were at 98th General Hospital?  
 3 A. A mask.  
 4 Q. Was that in the pathology department as  
 5 well?  
 6 A. Yes, and in bacteriology.  
 7 Q. What kind of mask did you wear in  
 8 bacteriology?  
 9 A. Surgical mask.  
 10 Q. And a surgical mask in pathology as  
 11 well?  
 12 A. Yes.  
 13 Q. Did you wear a lab coat?  
 14 A. Yes.  
 15 Q. Did you ever wear goggles?  
 16 A. No.  
 17 Q. Did you ever wear anything that covered  
 18 your face at all?  
 19 A. No.  
 20 Q. Where were the mittens kept when you  
 21 were at 98th General?  
 22 A. I don't remember.  
 23 Q. Do you know where any of the supplies  
 24 were kept when you were at 98th General?  
 25 A. There was a supply room.

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1 Q. Where was that?  
 2 A. It was part of the laboratory.  
 3 Q. Did you have a set pair of mittens that  
 4 were assigned to you to wear?  
 5 A. No.  
 6 Q. Moving on to Booth Memorial.  
 7 A. Yes.  
 8 Q. Was that just one laboratory that you  
 9 worked in?  
 10 A. Yes.  
 11 Q. Do you recall the dimensions of that  
 12 laboratory?  
 13 A. About 400 square feet.  
 14 Q. Was it just one big open room?  
 15 A. Yes.  
 16 Q. Was there any ventilation in that room?  
 17 A. I don't know.  
 18 Q. Were there windows?  
 19 A. I don't remember.  
 20 Q. Do you know how many work areas there  
 21 were in that room?  
 22 A. Two or three benches.  
 23 Q. Were you assigned a workbench?  
 24 A. No.  
 25 Q. Do you know how many Bunsen burners

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1 there would be?  
 2 MR. DARCHE: Don't guess.  
 3 A. No, I don't.  
 4 Q. Would each workbench have a Bunsen  
 5 burner?  
 6 A. Yes.  
 7 Q. Would there be more than that for each  
 8 workbench?  
 9 A. I don't remember.  
 10 Q. Did you ever wear a mask or respirator  
 11 while you were there?  
 12 A. No.  
 13 Q. What kind of work were you actually  
 14 doing there?  
 15 MR. DARCHE: I am just going  
 16 to object that we went over this  
 17 already.  
 18 But, you can answer again.  
 19 Q. That's okay. I do have it in my notes.  
 20 A. Serum analysis principally.  
 21 Q. Did you wear a lab coat while you were  
 22 there?  
 23 A. Yes.  
 24 Q. Did you ever wear goggles?  
 25 A. No.

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1 Q. Did you ever wear anything that shielded  
 2 your face?  
 3 A. No.  
 4 Q. Did you know where the mittens were kept  
 5 there?  
 6 A. No.  
 7 Q. Were you assigned a pair of mittens?  
 8 A. No.  
 9 Q. Where were the supplies kept at Booth?  
 10 A. I don't know.  
 11 Q. Then, you went to U.C. Berkeley and you  
 12 worked in the Life Sciences Building?  
 13 A. Yes.  
 14 Q. Can you tell me a little bit about the  
 15 Life Sciences Building, how many floors that is?  
 16 A. Four floors, a huge building.  
 17 Q. Is this where all of the laboratory work  
 18 was done?  
 19 A. Yes.  
 20 Q. You mentioned working in two  
 21 laboratories during that time.  
 22 Do you know if there was any ventilation  
 23 in those laboratories?  
 24 A. No, I don't.  
 25 Q. Do you know if there were any windows?



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1 A. Yes, there were.  
 2 Q. Did each room have windows?  
 3 A. Yes.  
 4 Q. Do you know if they were ever kept open?  
 5 A. Yes, they were.  
 6 Q. How many windows did each room have?  
 7 A. One.  
 8 Q. Was there more than one entrance to  
 9 these rooms?  
 10 A. No.  
 11 Q. Where would you obtain your mittens on a  
 12 daily basis?  
 13 A. There was a central supply.  
 14 Q. And that is where you would get them  
 15 every day?  
 16 A. Not every day. They were at the  
 17 laboratory. You had a pair at the lab.  
 18 Q. So, where were they kept within the  
 19 laboratory?  
 20 A. On the workbench somewhere.  
 21 Q. There were two rooms. What were you  
 22 doing in each laboratory?  
 23 A. Analysis of California soils.  
 24 Q. Okay.  
 25 In both of them?

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1 A. Yes.  
 2 Q. Were you assigned a certain workbench?  
 3 A. No.  
 4 Q. Were you assigned a pair of mittens  
 5 there?  
 6 A. No.  
 7 Q. Moving to the time when you were in the  
 8 actual classrooms --  
 9 A. Yes.  
 10 Q. You had mentioned that you believe there  
 11 was about a half dozen lab courses that you had?  
 12 A. Yes, approximately.  
 13 Q. Do you recall any of the names of the  
 14 classes that you took, the subject matter?  
 15 A. Chemistry, physiology. That is it.  
 16 Q. Were those classes also held in the Life  
 17 Sciences Building?  
 18 A. Physiology, yes. Chemistry, no.  
 19 Q. Where was chemistry?  
 20 A. I don't remember. In the chemistry  
 21 building but --  
 22 Q. Okay.  
 23 Besides the Life Sciences Building and  
 24 the chemistry building, do you remember taking classes in  
 25 any other building at Berkeley?

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1 A. Yes.  
 2 Q. What other buildings, laboratory classes  
 3 only?  
 4 A. No. Well, I did not take laboratory  
 5 classes in any other building.  
 6 Q. Besides the chemistry building?  
 7 A. Right.  
 8 Q. And the Life Sciences Building?  
 9 A. Right.  
 10 Q. Were all the classrooms relatively the  
 11 same size?  
 12 A. Yes.  
 13 Q. Do you know how big they were?  
 14 A. Yeah. I would like to correct this, no.  
 15 They were not. Some were auditoriums very large and  
 16 others were small classrooms.  
 17 Q. I just want to clarify. I am only  
 18 talking about the laboratories, so I only want to know  
 19 about the lab sizes?  
 20 A. The laboratories were approximately the  
 21 same size.  
 22 Q. Do you recall the dimensions of the  
 23 laboratories?  
 24 A. 400 square feet.  
 25 Q. Did the classrooms have any ventilation?

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1 A. I don't remember.  
 2 Q. Do you know if there were windows in the  
 3 classroom?  
 4 A. I don't remember.  
 5 Q. Do you know where the mittens were kept  
 6 when you were in the classroom?  
 7 A. No, I don't.  
 8 Q. Were you assigned mittens in the  
 9 classroom?  
 10 A. No.  
 11 Q. Did you wear a lab coat when you were in  
 12 the classroom?  
 13 A. Yes.  
 14 Q. Did you ever wear a respirator when you  
 15 were in the classroom?  
 16 A. No.  
 17 Q. When you were working in the lab, just  
 18 working -- not in the classroom at U.S. Berkeley, did you  
 19 wear a lab coat?  
 20 A. Yes.  
 21 Q. Did you wear goggles ever?  
 22 A. No.  
 23 Q. Did you wear a mask or a respirator?  
 24 A. No.  
 25 Q. Then, you went to Hunter College.

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<p>1 A. Yes.</p> <p>2 Q. There was one lab that you worked in at</p> <p>3 the Park Avenue Building. Is that correct?</p> <p>4 A. Yes, that's correct. As a student.</p> <p>5 Q. Do you know the dimensions of the</p> <p>6 classroom that you were in?</p> <p>7 A. No.</p> <p>8 Q. Do you know if there was any</p> <p>9 ventilation?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know how many workstations were</p> <p>12 in the classroom?</p> <p>13 A. Four or five benches.</p> <p>14 Q. Do you know how many Bunsen burners</p> <p>15 would be in the classroom?</p> <p>16 A. I don't recall.</p> <p>17 Q. Were you assigned a certain workstation</p> <p>18 when you were in the classroom?</p> <p>19 A. I do not remember.</p> <p>20 Q. Did you obtain mittens from a certain</p> <p>21 area in the laboratory when you used them?</p> <p>22 A. I don't remember.</p> <p>23 Q. Then, you returned to U.C. Berkeley for</p> <p>24 the graduate program -- oh, no.</p> <p>25 First, you went there and worked in the</p>	<p>1 A. A mask, yes. A respirator, no.</p> <p>2 Q. What kind of mask?</p> <p>3 A. Surgical mask.</p> <p>4 Q. Did I ask you if there were any windows</p> <p>5 in that room?</p> <p>6 A. Yes, you did. I do not remember.</p> <p>7 Q. Okay, thank you.</p> <p>8 Did you wear any goggles?</p> <p>9 A. No.</p> <p>10 Q. Then at SUNY, you worked in one lab on</p> <p>11 the first floor in the anatomy department?</p> <p>12 A. That's correct.</p> <p>13 Q. And you described that lab previously as</p> <p>14 a medium size laboratory?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall the dimensions at all?</p> <p>17 A. 400 square feet.</p> <p>18 MR. DARCHE: Don't guess.</p> <p>19 Q. Do you know if there was any ventilation</p> <p>20 in that laboratory?</p> <p>21 A. I don't know.</p> <p>22 Q. Were there windows in that room?</p> <p>23 A. Yes.</p> <p>24 Q. How many windows?</p> <p>25 A. I believe one.</p>
Page 278	Page 280
<p>1 same lab that we previously talked about?</p> <p>2 A. Yes, that's correct.</p> <p>3 Q. And then you went and you were in the</p> <p>4 graduate program and you were working in the Life</p> <p>5 Sciences Building again?</p> <p>6 A. Yes.</p> <p>7 Q. And at that time you were on the same</p> <p>8 floor, but in a different lab?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall the dimensions of that</p> <p>11 lab?</p> <p>12 A. Approximately 600 square feet.</p> <p>13 Q. Do you know if there was any ventilation</p> <p>14 in that laboratory?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you know if there were windows?</p> <p>17 A. I don't know.</p> <p>18 Q. What kind of experiments or research</p> <p>19 were you doing at that time?</p> <p>20 A. Research in rats endocrinology of the</p> <p>21 brain.</p> <p>22 Q. Were you wearing a lab coat?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever wear a mask or a</p> <p>25 respirator?</p>	<p>1 Q. Was it ever kept open?</p> <p>2 A. I don't remember.</p> <p>3 Q. Did you ever wear a mask or a</p> <p>4 respirator?</p> <p>5 A. I don't remember.</p> <p>6 Q. What kind of work were you doing in that</p> <p>7 laboratory?</p> <p>8 A. I was working on rats in a hormonal</p> <p>9 control of the maternal paramount.</p> <p>10 Q. What kind of experiments would that</p> <p>11 entail?</p> <p>12 A. They were basically behavioral</p> <p>13 experiments.</p> <p>14 Q. Did you have a set spot where you kept</p> <p>15 your mittens?</p> <p>16 A. No.</p> <p>17 Q. Did you have an assigned set of mittens</p> <p>18 there?</p> <p>19 A. No.</p> <p>20 Q. I just missed two questions.</p> <p>21 When you were in the graduate program at</p> <p>22 U.C. Berkeley, did you have an assigned set of mittens?</p> <p>23 A. No.</p> <p>24 Q. Do you know where the mittens were kept</p> <p>25 there?</p>

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<p>1 A. No.</p> <p>2 Q. Then, you went to Columbia University?</p> <p>3 A. Yes.</p> <p>4 Q. That was the building on 168th Street?</p> <p>5 A. Yes.</p> <p>6 Q. Where was the lab in that building?</p> <p>7 A. I don't remember.</p> <p>8 Q. Was it more than one lab?</p> <p>9 A. No.</p> <p>10 Q. Do you remember the dimensions of the</p> <p>11 lab?</p> <p>12 A. No.</p> <p>13 Q. Do you recall if there was any</p> <p>14 ventilation in the lab?</p> <p>15 A. No. I do not recall.</p> <p>16 Q. Do you know if there were any windows in</p> <p>17 the lab?</p> <p>18 A. I do not remember.</p> <p>19 Q. Did you wear a mask or a respirator</p> <p>20 while you were there?</p> <p>21 A. No.</p> <p>22 Q. What kind of research were you doing</p> <p>23 there?</p> <p>24 A. It was not research. It was a job.</p> <p>25 Q. Okay.</p>	<p>1 A. Animal work and biochemical analysis.</p> <p>2 Q. Was there any ventilation in those</p> <p>3 rooms?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know if there were any windows in</p> <p>6 those rooms?</p> <p>7 A. Yes.</p> <p>8 Q. Did all the rooms have windows?</p> <p>9 A. I don't remember.</p> <p>10 Q. Did you ever keep the windows open?</p> <p>11 A. They did not open.</p> <p>12 Q. Okay.</p> <p>13 Did you wear a lab coat when you were in</p> <p>14 there?</p> <p>15 A. Yes.</p> <p>16 Q. Did you ever wear a mask or a</p> <p>17 respirator?</p> <p>18 A. A mask, yes. A respirator, no.</p> <p>19 Q. What kind of mask?</p> <p>20 A. Surgical mask.</p> <p>21 Q. Did you wear a lab coat?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever wear goggles?</p> <p>24 A. No.</p> <p>25 Q. Did you ever wear anything to shield</p>
Page 282	Page 284
<p>1 A. Analysis of human serum plasma.</p> <p>2 Q. Did you ever wear goggles while you were</p> <p>3 there?</p> <p>4 A. No.</p> <p>5 Q. Did you wear a lab coat?</p> <p>6 A. Yes.</p> <p>7 Q. Where were the mittens kept in that</p> <p>8 laboratory?</p> <p>9 A. I don't know.</p> <p>10 Q. Then, you went to the University of</p> <p>11 California in Los Angeles, correct?</p> <p>12 A. University of Southern California.</p> <p>13 MR. DARCHE: U.S.C.</p> <p>14 A. U.S.C.</p> <p>15 Q. I knew I was going to do that.</p> <p>16 There, you worked in four rooms on the</p> <p>17 second floor?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall the dimensions of any of</p> <p>20 those rooms?</p> <p>21 A. No.</p> <p>22 Q. Can you tell me what each room was used</p> <p>23 for, if you remember?</p> <p>24 A. No. I do not.</p> <p>25 Q. What kind of work were you doing there?</p>	<p>1 your face?</p> <p>2 A. No.</p> <p>3 Q. Where would you keep the mittens when</p> <p>4 you worked there?</p> <p>5 A. I don't remember.</p> <p>6 Q. Then, finally, you were at Mount Sinai?</p> <p>7 A. Yes.</p> <p>8 Q. And that was in the Annenberg building?</p> <p>9 A. That's correct.</p> <p>10 Q. You said that you worked principally in</p> <p>11 three laboratories in that building?</p> <p>12 A. Yes.</p> <p>13 Q. On the 20th floor?</p> <p>14 A. Yes.</p> <p>15 Q. What else was going on throughout that</p> <p>16 building?</p> <p>17 MR. DARCHE: I am just going</p> <p>18 to object to the form.</p> <p>19 You can answer.</p> <p>20 A. The whole thing has 25 floors and there</p> <p>21 was a variety of activities going on.</p> <p>22 Q. On the 20th floor, was that comprised of</p> <p>23 mostly laboratories?</p> <p>24 A. Laboratories and offices.</p> <p>25 Q. Was there any ventilation in the</p>

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<p>1 laboratories that you worked in?</p> <p>2 A. I don't know.</p> <p>3 Q. Did you have any windows?</p> <p>4 A. Yes.</p> <p>5 Q. Were those windows ever open?</p> <p>6 A. No.</p> <p>7 Q. Did you wear a lab coat?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever wear a mask?</p> <p>10 A. Yes.</p> <p>11 Q. What kind of mask?</p> <p>12 A. Surgical mask.</p> <p>13 Q. What kind of work were you doing?</p> <p>14 A. Animal research, biochemical research in</p> <p>15 women's health care.</p> <p>16 Q. Did each of the three labs that you</p> <p>17 worked in have different purposes?</p> <p>18 A. No.</p> <p>19 Q. Did you spend an equal amount of time in</p> <p>20 each room?</p> <p>21 A. No.</p> <p>22 Q. What room did you spend more time in?</p> <p>23 A. Two rooms out of the three.</p> <p>24 Q. Were they all the same size?</p> <p>25 A. No.</p>	<p>1 Q. Were you utilizing any chemicals while</p> <p>2 you were working at Mount Sinai?</p> <p>3 A. Yes.</p> <p>4 Q. What kind of chemicals?</p> <p>5 A. Salts, acids, hormones. Chemicals</p> <p>6 usually used in this type of analysis.</p> <p>7 Q. Okay.</p> <p>8 MS. KULINA: I think that is</p> <p>9 all I have for you, sir.</p> <p>10 Thank you.</p> <p>11 BY MR. FRASER:</p> <p>12 Q. Good morning, Mr. Holinka.</p> <p>13 A. Good morning.</p> <p>14 Q. Do you need to take a break before we</p> <p>15 switch?</p> <p>16 MR. DARCHE: Whatever you want</p> <p>17 to do.</p> <p>18 THE WITNESS: Just a few</p> <p>19 minutes.</p> <p>20 MR. FRASER: That's fine.</p> <p>21 (A short recess was taken.)</p> <p>22 Q. Mr. Holinka, my name is Tim Fraser from</p> <p>23 Drinker, Biddle &amp; Reath. We represent Baxter Health Care</p> <p>24 in this matter.</p> <p>25 I am going to ask you a few questions</p>
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<p>1 Q. Okay.</p> <p>2 Can you tell me the size of the</p> <p>3 different rooms?</p> <p>4 A. Approximately 200 square feet, one, and</p> <p>5 approximately 350 square feet, the other two.</p> <p>6 Q. Which ones were you spending more time</p> <p>7 in, the 350 square feet or the 200?</p> <p>8 A. The 200.</p> <p>9 Q. And one of the 350 square feet?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have an office in that --</p> <p>12 A. Yes.</p> <p>13 Q. How much of your time was spent in the</p> <p>14 office?</p> <p>15 A. About approximately one-quarter of my</p> <p>16 time.</p> <p>17 Q. What kind of work would you be doing in</p> <p>18 the office?</p> <p>19 A. Writing manuscripts, analyzing data,</p> <p>20 reviewing grant applications, reviewing manuscripts on a</p> <p>21 peer review basis.</p> <p>22 Q. What kind of research were you doing at</p> <p>23 Mount Sinai?</p> <p>24 A. Animal research and biochemistry,</p> <p>25 biochemical analysis.</p>	<p>1 about the people that you worked with at these various</p> <p>2 different sites.</p> <p>3 I realize that you already answered some</p> <p>4 questions on this subject and I will try to avoid</p> <p>5 duplicating anything that we have covered in the past.</p> <p>6 A. Thank you.</p> <p>7 Q. Starting with Booth Memorial Hospital.</p> <p>8 A. Yes.</p> <p>9 Q. You had testified that your supervisor</p> <p>10 was, let me put it this way, your supervisor was</p> <p>11 Dr. Blaustein.</p> <p>12 Is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. The section head was Olga Bzrorad?</p> <p>15 A. That is correct.</p> <p>16 Q. You testified that you didn't recall any</p> <p>17 co-workers' names, but were there any other people who</p> <p>18 worked in the lab who didn't necessarily work for Olga</p> <p>19 Bzrorad or Dr. Blaustein?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you recall whether there was</p> <p>22 anyone -- do you recall anyone else who worked on that</p> <p>23 same floor?</p> <p>24 A. No, I don't.</p> <p>25 Q. No, you do not?</p>

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1 A. No, I do not.  
 2 Q. Do you know or remember anyone who was  
 3 responsible for purchasing pads and mittens at Booth  
 4 Memorial Hospital?  
 5 A. No. I do not.  
 6 Q. Do you know anyone who might know the  
 7 manufacturer, brand name or trade name of the pads and  
 8 mittens at Booth Memorial Hospital?  
 9 MR. DARCHE: Objection.  
 10 Other than what he's already  
 11 testified to?  
 12 MR. FRASER: I am asking if he  
 13 knows the names of anybody there. I  
 14 mean, yes. Subject to what he has  
 15 testified to. But, this is all  
 16 subject to what he has testified to.  
 17 MR. DARCHE: I got you.  
 18 Q. Do you know the names of anyone who may  
 19 know the manufacturer, trade name or brand name of the  
 20 pads and mittens used at Booth Memorial?  
 21 A. No. I do not.  
 22 Q. Do you know anyone who might know the  
 23 supplier or distributor from whom the pads and mittens  
 24 were purchased for Booth Memorial Hospital?  
 25 A. No. I do not.

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1 Q. Moving on to the Berkeley Research  
 2 Laboratory where you worked for approximately two and a  
 3 half years starting in 1960.  
 4 Your supervisor was Dr. Sherburne Cook.  
 5 Is that correct?  
 6 A. That's correct.  
 7 Q. Do you recall how many people worked in  
 8 the lab with you?  
 9 A. In the research lab, myself and for a  
 10 brief period and undergraduate student.  
 11 Q. Do you recall the name of that  
 12 undergraduate student?  
 13 A. No, I don't.  
 14 Q. Do you recall the name of anyone else  
 15 who worked in the labs at the Life Sciences Building  
 16 during that time?  
 17 A. No, I don't.  
 18 Q. Do you know the name of anyone who had  
 19 responsibility for purchasing pads and mittens at  
 20 Berkeley during that time?  
 21 A. No.  
 22 Q. Do you know the name of anyone who might  
 23 know the manufacturer, brand name or trade name of pads  
 24 or mittens used at that research lab?  
 25 MR. DARCHE: Objection to the

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1 form.  
 2 A. No.  
 3 MR. DARCHE: You can answer.  
 4 A. No. I do not.  
 5 Q. Do you know the name of anyone who might  
 6 know the supplier or distributor for whom the pads and  
 7 mittens were purchased at that lab?  
 8 A. No, I don't.  
 9 Q. Now, I would like to ask you a few  
 10 questions about the undergraduate lab courses that you  
 11 took at Berkeley, and I believe you had testified that  
 12 you took approximately a half dozen.  
 13 Does that sound correct to you?  
 14 A. Yes.  
 15 Q. If I am mischaracterizing anything,  
 16 please let me know. I am just trying to move this along  
 17 as quickly as possible.  
 18 Do you remember the names of any of the  
 19 teachers or professors for any of those classes?  
 20 A. No, I don't.  
 21 Q. Do you remember names of any of the  
 22 students who took those classes with you?  
 23 A. No.  
 24 Q. Do you know the name of anyone who had  
 25 responsibility for purchasing the pads and mittens used

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1 in those classes?  
 2 A. No.  
 3 Q. Do you know the name of anyone who might  
 4 know the manufacturer, brand name or trade name of the  
 5 pads and mittens used in those classes?  
 6 A. No.  
 7 Q. Do you know the name of anyone who might  
 8 know the supplier or distributor for whom the pads and  
 9 mittens used in those classes were purchased?  
 10 A. No.  
 11 Q. Sir, with respect to Hunter College, am  
 12 I correct in understanding that you took one class at  
 13 Hunter College?  
 14 A. One laboratory class.  
 15 Q. One laboratory class, thank you.  
 16 Do you remember the name of the teacher  
 17 or the professor who taught that class?  
 18 A. Dr. Schwartz.  
 19 Q. Is Dr. Schwartz a man or a woman?  
 20 A. A man.  
 21 Q. Do you remember Dr. Schwartz's first  
 22 name?  
 23 A. No.  
 24 Q. When was the last time you spoke to  
 25 Dr. Schwartz?



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<p>1 A. At the time I took the course.</p> <p>2 Q. Do you remember the names of any of the</p> <p>3 students who took that class with you?</p> <p>4 A. No, I don't.</p> <p>5 Q. Do you know the names of anyone who had</p> <p>6 responsibility for purchasing the pads and mittens used</p> <p>7 in that class?</p> <p>8 A. No, I don't.</p> <p>9 Q. Do you know the names of anyone who</p> <p>10 might know the manufacturer, brand name or trade name of</p> <p>11 the pads and mittens used in that class?</p> <p>12 A. No, I don't.</p> <p>13 Q. Do you know anyone who might know the</p> <p>14 supplier or distributors from whom or from which those</p> <p>15 pads and mittens used in that class were purchased?</p> <p>16 A. No, I don't.</p> <p>17 Q. After Hunter College, you went back to</p> <p>18 work at the research lab at U.C. Berkeley.</p> <p>19 Is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Dr. Sherburne Cook was still your</p> <p>22 supervisor.</p> <p>23 Is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. When you were first working at that</p>	<p>1 Q. When I say "during that time," I am</p> <p>2 referring to the six or seven months in 1964 that you</p> <p>3 were working in that lab?</p> <p>4 A. I understand.</p> <p>5 Q. Do you know the name of anyone who might</p> <p>6 know the supplier or distributor from which the pads and</p> <p>7 mittens used in the research lab during that time were</p> <p>8 purchased?</p> <p>9 A. No, I don't.</p> <p>10 Q. Okay.</p> <p>11 Moving on to your graduate research in</p> <p>12 physiology which, as I understand, was conducted at the</p> <p>13 Life Sciences Building. Is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And that was conducted on the same floor</p> <p>16 as the research lab.</p> <p>17 Is my understanding correct?</p> <p>18 A. Yes.</p> <p>19 Q. Am I correct in understanding that the</p> <p>20 head of the lab and/or your supervisor was Dr. Timirus?</p> <p>21 A. That's correct.</p> <p>22 Q. Was there anyone else who worked in that</p> <p>23 lab at the same time that you were there?</p> <p>24 A. Yes.</p> <p>25 Q. About how many people, other people,</p>
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<p>1 research lab, there was an undergraduate student who</p> <p>2 worked with you.</p> <p>3 Am I correct in recalling your</p> <p>4 testimony?</p> <p>5 A. He worked for Dr. Cook.</p> <p>6 Q. For Dr. Cook.</p> <p>7 Do you know whether that undergraduate</p> <p>8 student was still there at that time?</p> <p>9 A. I don't recall.</p> <p>10 Q. Was there anyone else who was working in</p> <p>11 the lab at that time?</p> <p>12 A. No.</p> <p>13 Q. Can you remember the name of anyone else</p> <p>14 who worked in the labs at the Life Sciences Building</p> <p>15 during that time?</p> <p>16 A. No.</p> <p>17 Q. Do you know the name of anyone who had</p> <p>18 responsibility for purchasing the pads and mittens used</p> <p>19 in that research lab during that time?</p> <p>20 A. No.</p> <p>21 Q. Do you know the name of anyone who might</p> <p>22 know the manufacturer, brand name or trade name of the</p> <p>23 pads and mittens used in the research lab during that</p> <p>24 time?</p> <p>25 A. No.</p>	<p>1 worked in that lab?</p> <p>2 A. Three to four.</p> <p>3 Q. Were those other grad students?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know the names of any of those</p> <p>6 other students?</p> <p>7 A. Yes.</p> <p>8 Q. How many names do you remember?</p> <p>9 A. Two.</p> <p>10 Q. Okay.</p> <p>11 What are their names?</p> <p>12 A. Gabriel Maletta.</p> <p>13 Q. How do you spell Gabriel's last name?</p> <p>14 A. M-A-L-E-T-T-A.</p> <p>15 Q. What is the second person's name?</p> <p>16 A. Nancy Sherwood.</p> <p>17 Q. Please spell Nancy's last name?</p> <p>18 A. S-H-E-R-W-O-O-D.</p> <p>19 Q. When was the last time you spoke to Mr.</p> <p>20 Maletta?</p> <p>21 A. At the time I worked in the laboratory.</p> <p>22 Q. Did Mr. Maletta have any responsibility</p> <p>23 for ordering pads and mittens?</p> <p>24 A. No.</p> <p>25 Q. Is it Ms. Sherwood?</p>

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1 A. Yes.  
 2 Q. When was the last time you spoke to her?  
 3 A. Approximately 12 years ago.  
 4 Q. What was the occasion on which you spoke  
 5 to her?  
 6 A. At a scientific meeting.  
 7 Q. Where was the scientific meeting?  
 8 A. At Berkeley, California.  
 9 Q. Do you remember the subject of this  
 10 meeting?  
 11 A. Reproductive endocrinology.  
 12 Q. Do you remember how many days this  
 13 meeting was?  
 14 A. One day.  
 15 Q. Did Ms. Sherwood have any responsibility  
 16 for ordering pads and mittens?  
 17 A. I don't know.  
 18 Q. Do you know whether she is still alive?  
 19 A. Yes.  
 20 Q. Is she alive?  
 21 A. I believe so. I don't know 100 percent.  
 22 Q. Do you know where she lives?  
 23 A. No.  
 24 Q. What makes you believe that she is alive  
 25 or suspect that she is alive?

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1 A. I don't know. I withdraw my previous  
 2 answer. I don't know whether she is still alive.  
 3 Q. Okay.  
 4 At the graduate research lab that you  
 5 were working at or studying at from 1964 to 1966, did you  
 6 know anyone who had responsibility for purchasing pads  
 7 and mittens?  
 8 A. No.  
 9 Q. Did you know the name -- strike that.  
 10 Do you know the name of anyone who might  
 11 know the manufacturer, brand name or trade name of the  
 12 pads and mittens used in that lab at that time?  
 13 A. No.  
 14 Q. Do you know the name of anyone who might  
 15 know the supplier or distributor from which the pads and  
 16 mittens used in that lab were purchased?  
 17 A. No.  
 18 Q. During that two and a half years, give  
 19 or take, did you know anyone else who worked in the Life  
 20 Sciences Building other than Ms. Sherwood, Mr. Maletta  
 21 and Dr. Timirus?  
 22 A. Yes.  
 23 Q. Who else worked in that building?  
 24 A. I don't recall the names.  
 25 Q. Sir, I would like to ask you a few

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1 questions about SUNY Stony Brook which is where you went  
 2 after working as a graduate student at U.C. Berkeley. Is  
 3 that correct?  
 4 A. That's correct.  
 5 Q. You were at SUNY Stony Brook from 1971  
 6 to 1974. Is that correct?  
 7 A. That's correct.  
 8 Q. Was there somebody to whom you were  
 9 reporting when you were working at SUNY Stony Brook?  
 10 A. Yes.  
 11 Q. To whom were you reporting?  
 12 A. Albert Carlson.  
 13 Q. Do you recall what Albert Carlson's  
 14 position was?  
 15 A. Professor and department head biological  
 16 sciences.  
 17 Q. Was there anyone else that you reported  
 18 to?  
 19 A. No.  
 20 Q. Was there anyone who you worked with and  
 21 who also reported to Albert Carlson?  
 22 A. No.  
 23 Q. Was there anyone who worked for you?  
 24 A. No.  
 25 Q. Was there anyone else who worked in that

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1 lab at the time that you were working there?  
 2 A. No.  
 3 Q. When was the last time you spoke with  
 4 Mr. Carlson?  
 5 A. The early 80s.  
 6 Q. On what occasion did you speak to him?  
 7 A. A visit to the department.  
 8 Q. And he was still working in the same  
 9 lab?  
 10 A. In the same position.  
 11 Q. Okay.  
 12 Do you know where Mr. Carlson lives?  
 13 A. No.  
 14 Q. Did Mr. Carlson have any responsibility  
 15 for ordering pads and mittens?  
 16 A. I don't know.  
 17 Q. Do you know anyone who had  
 18 responsibility -- strike that.  
 19 Do you know the names of anyone who had  
 20 responsibility for purchasing pads and mittens at SUNY  
 21 Stony Brook?  
 22 A. No, I don't.  
 23 Q. Do you know the names of anyone who  
 24 might know the manufacturer, brand name or trade name of  
 25 pads and mittens you used at Stony Brook?



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1 A. No, I don't.  
 2 Q. Do you know the name of anyone who might  
 3 know the supplier or distributor from which the pads and  
 4 mittens used at Stony Brook were purchased?  
 5 A. No. I do not.  
 6 Q. While you were at SUNY Stony Brook, you  
 7 were also working at Columbia University. Is that  
 8 correct?  
 9 A. Yes.  
 10 Q. Was there somebody to whom you reported  
 11 while working at Columbia University?  
 12 A. Yes.  
 13 Q. Do you remember the name of that person?  
 14 A. No.  
 15 Q. How many people worked with you at  
 16 Columbia University, if any?  
 17 A. For most of the time, none.  
 18 Q. Was there a period of time where you had  
 19 somebody working with you?  
 20 A. Yes.  
 21 Q. Do you know the name of that person?  
 22 A. No.  
 23 Q. Was that person a co-worker or was that  
 24 somebody who reported to you?  
 25 A. A co-worker.

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1 Q. Was there anyone else, other than  
 2 yourself, and the supervisor, and this co-worker to  
 3 whom you just made reference, is there anyone else who  
 4 worked in this lab during the period that you worked  
 5 there?  
 6 A. Yes.  
 7 Q. And how many other people worked in this  
 8 lab while you were there?  
 9 A. I do not recall.  
 10 Q. Was it more than five?  
 11 A. I don't know.  
 12 Q. Okay.  
 13 Do you know the names of any of the  
 14 other people who worked in that lab?  
 15 A. No.  
 16 Q. Do you know the names of anyone who  
 17 worked in that building, in any other lab in that  
 18 building, during that time?  
 19 A. No, I don't.  
 20 Q. Do you know the name of anyone who had  
 21 responsibility for purchasing pads and mittens at  
 22 Columbia University?  
 23 A. No, I don't.  
 24 Q. Do you know anyone who might know the  
 25 manufacturer, brand name or trade name of the pads and

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1 mittens used at Columbia University while you were there?  
 2 A. No, I don't.  
 3 Q. Do you know the name of anyone who might  
 4 know the supplier or distributor from which the pads and  
 5 mittens used at Columbia University were purchased?  
 6 A. No, I don't.  
 7 Q. The University of Southern California,  
 8 you were there from 1974 to 1977. Is that correct?  
 9 A. That's correct.  
 10 Q. You had testified -- actually, I am  
 11 going to back up before we go on to the University of  
 12 Southern California.  
 13 You mentioned Dr. Timirus do you have  
 14 Dr. Timirus's address?  
 15 A. No, I don't.  
 16 Q. Do you have Dr. Sherburne Cook's  
 17 address?  
 18 A. No, I don't. He is deceased.  
 19 Q. Do you have Olga Bzrorad's address?  
 20 A. I do not.  
 21 Q. Going back to the University of Southern  
 22 California.  
 23 You had testified before that the chief  
 24 technician was Heinz Osterburg. Is that correct?  
 25 A. That's correct.

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1 Q. Do you have Mr. Osterburg's address?  
 2 A. No, I don't.  
 3 Q. You also testified that there was a  
 4 graduate student with whom you worked named -- well, you  
 5 mentioned a James Nelson.  
 6 Did he work for you or with you?  
 7 A. With me.  
 8 Q. Do you have Mr. Nelson's address?  
 9 A. Yes, I do. But, I do not have it not  
 10 here.  
 11 Q. Okay.  
 12 I will ask that after the deposition you  
 13 give the name to your attorney, and I will send a letter  
 14 requesting it.  
 15 Monty Heckland, was that an  
 16 undergraduate assistant?  
 17 A. Yes.  
 18 Q. Did Mr. Heckland work for you?  
 19 A. Yes.  
 20 Q. Do you have Mr. Heckland's address?  
 21 A. No, I don't.  
 22 Q. To whom did you report at the University  
 23 of Southern California?  
 24 A. Dr. Finch, Caleb Finch.  
 25 Q. Could you spell his first and last name

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<p>1 for me, please?</p> <p>2 A. C-A-L-E-B F-I-N-C-H.</p> <p>3 Q. When did you last speak with Mr. Finch?</p> <p>4 A. Approximately ten years ago.</p> <p>5 Q. What was his position at the lab at</p> <p>6 U.S.C.?</p> <p>7 A. He was the head of the laboratory and a</p> <p>8 faculty member.</p> <p>9 Q. Did he have responsibility for ordering</p> <p>10 pads and mittens?</p> <p>11 A. I don't know.</p> <p>12 Q. On what occasion did you speak with</p> <p>13 Mr. Finch ten years ago?</p> <p>14 A. A visit to the laboratory.</p> <p>15 Q. Did he still have the same position that</p> <p>16 he had back when you worked there?</p> <p>17 A. I don't know.</p> <p>18 Q. Was he still working in the same lab?</p> <p>19 A. I don't know.</p> <p>20 Q. Was he still employed by the University</p> <p>21 of Southern California?</p> <p>22 A. I don't know.</p> <p>23 Q. Do you know whether he was working at</p> <p>24 that time?</p> <p>25 A. At the time I worked at the laboratory?</p>	<p>1 A. Yes.</p> <p>2 Q. How many names do you know?</p> <p>3 A. One.</p> <p>4 Q. What is that name?</p> <p>5 A. Beth Schachter, S-C-H-A-C-H-T-E-R.</p> <p>6 Q. What was her position or title, if you</p> <p>7 know?</p> <p>8 A. Graduate student.</p> <p>9 Q. Do you know if Ms. Schachter had any</p> <p>10 responsibility for ordering pads and mittens?</p> <p>11 A. I don't know.</p> <p>12 Q. When was the last time you spoke with</p> <p>13 Ms. Schachter?</p> <p>14 A. About two weeks ago.</p> <p>15 Q. Do you maintain regular contact with</p> <p>16 Ms. Schachter?</p> <p>17 A. Yes.</p> <p>18 Q. Is this business, or pleasure or social?</p> <p>19 A. Personal.</p> <p>20 Q. How regularly do you speak with</p> <p>21 Ms. Schachter?</p> <p>22 A. Regularly.</p> <p>23 Q. On a weekly basis?</p> <p>24 A. Weekly to monthly basis.</p> <p>25 Q. What is -- is she working today</p>
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<p>1 Q. No. Ten years ago.</p> <p>2 A. Yes.</p> <p>3 Q. He was still working at U.S.C. at that</p> <p>4 time?</p> <p>5 A. Yes.</p> <p>6 Q. Ten years ago, did you know where he</p> <p>7 lived?</p> <p>8 A. Yes.</p> <p>9 Q. Where was he living at that time?</p> <p>10 A. In Altadena.</p> <p>11 Q. Can you spell that for me?</p> <p>12 A. A-L-T-E-D-E-N-A.</p> <p>13 Q. Is that in California?</p> <p>14 A. California.</p> <p>15 Q. Do you know whether he has maintained</p> <p>16 that same address?</p> <p>17 A. I don't know.</p> <p>18 Q. Was there anyone else working in the lab</p> <p>19 at U.S.C. with you other than Mr. Finch, Mr. Osterburg,</p> <p>20 Mr. Nelson and Mr. Heckland?</p> <p>21 A. Not with me, but in the same premises.</p> <p>22 Q. About how many other people were working</p> <p>23 in that lab at the same time?</p> <p>24 A. Three.</p> <p>25 Q. Do you know any of their names?</p>	<p>1 currently?</p> <p>2 A. Yes.</p> <p>3 Q. What is her current job or profession?</p> <p>4 A. She is a scientific journalist.</p> <p>5 Q. Where does she work?</p> <p>6 A. She has her own firm.</p> <p>7 Q. Do you know what the name of that is?</p> <p>8 A. No.</p> <p>9 Q. Do you know where she lives?</p> <p>10 A. Yes.</p> <p>11 Q. Where does she live?</p> <p>12 A. In New York City.</p> <p>13 Q. Do you have her address?</p> <p>14 A. Yes.</p> <p>15 Q. At home?</p> <p>16 A. At home.</p> <p>17 Q. We will also make a request that you</p> <p>18 provide us with her address.</p> <p>19 Did Ms. Schachter have any</p> <p>20 responsibility for purchasing pads and mittens at U.S.C.?</p> <p>21 MR. DARCHE: Objection.</p> <p>22 Asked and answered.</p> <p>23 MR. FRASER: If he did, I</p> <p>24 apologize. I just don't remember the</p> <p>25 answer.</p>

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<p>1 MR. DARCHE: He said he didn't 2 know. 3 MR. FRASER: Thank you. 4 Q. Do you know who had responsibility for 5 purchasing pads and mittens at U.S.C.? 6 A. I do not know. 7 Q. Okay. 8 Do you know the name of anyone who might 9 know the manufacturer, brand name or trade name of the 10 pads and mittens used at U.S.C. from 1974 to 1977? 11 A. In the context of might know, might 12 know, subjunctive, Hansel Supa (phonetic). 13 Q. Is there anyone other than Mr. Osterburg 14 who might know the supplier or distributor from whom the 15 pads and mittens used at U.S.C. were purchased? 16 A. I don't know. 17 Q. Moving on finally to Mount Sinai School 18 of Medicine. 19 Your supervisor at Mount Sinai was 20 Dr. Gurpide. Is that correct? 21 A. That's correct. 22 Q. And there was a technician named Mila 23 DePena. Is that correct? 24 A. That's correct. 25 Q. Was there anyone else who worked with</p>	<p>1 A. Post doctorate fellow. 2 Q. Do you know whether he had any 3 responsibility for ordering pads and mittens? 4 A. No. He did not. 5 Q. When was the last time you spoke with 6 Mr. Hata? 7 A. In 1986. 8 Q. Did he stop working at Mount Sinai at 9 that time? 10 A. Yes. 11 Q. Do you know where Mr. Hata lived at the 12 time that he was working at Mount Sinai? 13 A. In New York City. 14 Q. Do you have Mr. Hata's address? 15 A. No. 16 Q. With regards to the second person, was 17 that a man or a woman? 18 A. Man. 19 Q. With regards to Mr. Anzai, what was his 20 position or title? 21 A. Post doctorate fellow. 22 Q. Do you know if Mr. Anzai had any 23 responsibility for purchasing pads or mittens? 24 A. No. He did not. 25 Q. When was the last time you spoke with</p>
Page 310	Page 312
<p>1 you at Mount Sinai? 2 A. Yes. 3 Q. How many people? 4 A. Several. 5 Q. Several, more or less than five, if you 6 can recall? 7 A. Fewer than five. 8 Q. Okay. 9 Do you know the names of any of those 10 people? 11 A. Yes. 12 Q. How many names do you know? 13 A. Two. 14 Q. Okay. 15 What is the first person's name? 16 A. Hiroki Hata. 17 Q. I am going to ask you to spell that, 18 please? 19 A. H-I-R-O-K-I H-A-T-A. 20 Q. What is the name of the second person? 21 A. Yuzuru Anzai, Y-U-Z-U-R-U A-N-Z-A-I. 22 Q. Let's start with Hiroki Hata, is that a 23 man or a woman? 24 A. A man. 25 Q. Mr. Hata, what was his position?</p>	<p>1 Mr. Anzai? 2 A. About four weeks ago. 3 Q. On what occasion did you speak with 4 Mr. Anzai? 5 A. Social occasion. 6 Q. How frequently do you see or communicate 7 with Mr. Anzai? 8 A. Infrequently. Communicate once a year. 9 Q. Is he currently working? 10 A. Yes. 11 Q. Do you know where he is currently 12 working? 13 A. In New York City. 14 Q. Do you know the name of the employer? 15 A. He is a gynecologist. He has his own 16 office. 17 Q. Do you know the address of either where 18 he lives or his office? 19 A. His apartment address, I know. 20 Q. Again, I will ask that you provide that 21 to your attorney after today. 22 Is there anyone else other than Dr. 23 Gurpide, Mila DePena, Mr. Hata and Mr. Anzai who worked 24 in the lab at Mount Sinai School of Medicine while you 25 were there?</p>

<p style="text-align: right;">Page 313</p> <p>1 A. Dr. Schachter, Ed Schachter.  2 Q. Okay.  3 Anyone else who worked in the lab?  4 A. Yes.  5 Q. Who else would that be?  6 A. Several graduate students and one or two  7 post doctorate fellows.  8 Q. Do you know the names of any of those  9 people?  10 A. No.  11 Q. Do you know the name of anyone who had  12 responsibility for purchasing pads and mittens at Mount  13 Sinai School?  14 A. No, I don't.  15 Q. Do you know the name of anyone who might  16 know the manufacturer, brand name or trade name of the  17 pads and mittens used at Mount Sinai?  18 A. Dr. Gursipde.  19 Q. Anyone else that you can think of?  20 A. No.  21 Q. Is there anyone who might know the  22 supplier or distributor from which the pads and mittens  23 used at Mount Sinai were purchased?  24 A. I don't know.  25 Q. Do you have the address for Dr. Gursipde?</p>	<p style="text-align: right;">Page 315</p> <p>1 today that during the course of your career you at times  2 wore a mask.  3 Is that a fair characterization of your  4 prior testimony today?  5 A. Yes, that's correct.  6 Q. Did you wear a mask during the course of  7 your career while you were using or working with Bunsen  8 burners?  9 A. No. I did not.  10 Q. Did you wear a mask during the course of  11 your career while you were working with Bunsen burner  12 covers?  13 A. No. I did not.  14 Q. Did you wear a mask during the course of  15 your career while you would have to change the Bunsen  16 burner cover?  17 A. No. I did not.  18 Q. Did you wear a mask during the course of  19 your career when you were using asbestos mittens?  20 A. No. I did not.  21 Q. Did you wear a mask over the course of  22 your career when you had to change your asbestos mittens?  23 A. No. I did not.  24 Q. Just so the record is clear, can you  25 describe how you were exposed to asbestos from your work</p>
<p style="text-align: right;">Page 314</p> <p>1 A. No, I don't.  2 Q. Do you have the address for Mila DePena?  3 A. No, I don't.  4 MR. FRASER: I pass the  5 witness.  6 Thank you, sir.  7 MR. DARCHE: Is that it?  8 BY MR. SCHAFFER:  9 Q. Sir, I just have one or two questions  10 for you.  11 Have you ever been diagnosed with any  12 illnesses associated with your immune system?  13 A. No.  14 MR. SCHAFFER: That is all I  15 have.  16 Thank you.  17 MR. DARCHE: Just note my  18 objection to that last question.  19 I am going to take a few  20 minute break, and then I have a few  21 questions. And we will get out of  22 here.  23 (A short recess was taken.)  24 BY MR. DARCHE:  25 Q. Mr. Holinka, you previously testified</p>	<p style="text-align: right;">Page 316</p> <p>1 with the Bunsen burner covers?  2 A. The Bunsen burner covers are subjected  3 to high heat to the flame of the Bunsen burner, and the  4 material becomes brittle and generates dust.  5 Q. How often did you work with Bunsen  6 burners and Bunsen burner covers over the course of your  7 career?  8 MS. KULINA: Objection.  9 Q. You can answer.  10 A. Regularly. Over the course of my career  11 frequently.  12 Q. How often did you work with Bunsen  13 burner covers during the course of your career?  14 A. Regularly, frequently.  15 Q. How often during the course of your  16 career did you observe these Bunsen burner covers to be  17 dusty and flaky?  18 A. Regularly.  19 Q. Over the course of your career, how  20 often did you work with asbestos mittens?  21 A. Regularly.  22 Q. During the course of your career, how  23 often would you work with these mittens when you observed  24 the flaking and dusting?  25 MR. SCHAFFER: Objection.</p>

<p style="text-align: right;">Page 317</p> <p>1 MR. KROMBERG: Objection.  2 DEFENSE COUNSEL: Objection.  3 Q. You can answer.  4 A. Often.  5 Q. I am just going to rephrase because of  6 the objection.  7 Mr. Holinka, you have testified that you  8 worked during the course of your career with asbestos  9 mittens.  10 Is that a fair characterization of your  11 testimony?  12 A. That's correct, yes.  13 Q. During the course of your career, how  14 often did you work with these mittens?  15 A. Regularly.  16 Q. Can you describe how you believe --  17 withdrawn.  18 Can you describe how you were exposed to  19 asbestos from these mittens, again, please?  20 A. The mittens were used to handle hot  21 glass work. Heat disintegrates materials including the  22 materials of the mittens --  23 Q. And what, if anything, would happen?  24 A. And that generates dust and debris.  25 Q. Do you believe that you breathed in that</p>	<p style="text-align: right;">Page 319</p> <p>1 BY MR. DADIKA:  2 Q. Mr. Holinka, my name is Greg Dadika. I  3 am an attorney with the law firm of Reed Smith. I have  4 just one quick question for you.  5 MR. DARCHE: The intro counts.  6 MR. DADIKA: I didn't phrase  7 it in the form of a question.  8 Q. Your attorney just used the term Bunsen  9 burner covers.  10 Is that what you have been referring to  11 throughout your deposition as Bunsen burner pads?  12 A. Yes, that's correct.  13 Q. So, those are interchangeable terms?  14 A. Yes, they are.  15 MR. DADIKA:  16 Q. That's all I wanted to know.  17 MR. ABERNETHY: I have a  18 couple of questions in response  19 specifically to your counsel's  20 questions.  21 BY MR. ABERNETHY:  22 Q. You repeatedly used the word in response  23 to his question regularly in describing the frequency of  24 certain activity.  25 Can you describe what you mean by</p>
<p style="text-align: right;">Page 318</p> <p>1 dust?  2 A. Yes.  3 Q. Over the course of your career, how  4 often did you work with these asbestos mittens?  5 A. Regularly.  6 MR. DARCHE: I have no further  7 questions.  8 BY MR. SCHAFFER:  9 Q. Sir, do you know at what temperature  10 asbestos disintegrates?  11 MR. DARCHE: Objection.  12 If you know.  13 Q. If you know.  14 A. I don't know.  15 MR. SCHAFFER: Thank you.  16 BY MS. KULINA LYONS:  17 Q. I have one.  18 Sir, were there times when you used  19 mittens when they were new?  20 A. Yes.  21 MS. KULINA LYONS: That is all  22 I have.  23 Thank you.  24 MR. DADIKA: I have one quick  25 question.</p>	<p style="text-align: right;">Page 320</p> <p>1 regularly more specifically in terms of how many times  2 per day, per week, per month or how much time?  3 MR. DARCHE: I am going to  4 object to the form of question.  5 You can answer if you can.  6 A. Several times weekly.  7 Q. You also used the word "frequently,"  8 does that mean something different than regularly?  9 MR. DARCHE: Object to the  10 form.  11 It means what it means.  12 Obviously -- objection to the form.  13 MR. ABERNETHY: I am entitled  14 to probe what he means in specific  15 terms.  16 MR. DARCHE: If you can  17 answer, so ahead.  18 A. Yes. I can offer my interpretation.  19 Q. Well, you used the word.  20 What I am asking is, do you mean  21 something different by frequently than you mean by  22 regularly?  23 A. Frequently, I referred to my overall  24 career. Regularly, I thought of the daily use or weekly  25 use, used per time.</p>

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1 Q. You also used the word "often" in  
 2 describing certain activities or observation.  
 3 Does that mean something different to  
 4 you than regularly or frequently?  
 5 A. No.  
 6 MR. ABERNETHY: All right.  
 7 I will leave it at that.  
 8 Thank you.  
 9 (The testimony was concluded  
 10 at 11:55 a.m.)  
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1 STATE OF )  
 2 COUNTY OF ) SS.  
 3  
 4  
 5 I, the undersigned, declare under penalty of  
 6 perjury that I have read the foregoing transcript, and I  
 7 have made any corrections, additions, or deletions that I  
 8 was desirous of making; that the foregoing is a true and  
 9 correct transcript of my testimony contained therein.  
 10  
 11  
 12 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007, at  
 13 \_\_\_\_\_  
 14 City State  
 15  
 16  
 17 WITNESS:  
 18 CHRISTIAN HOLINKA  
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1 REPORTER'S CERTIFICATE  
 2  
 3 I, Kerry D. Halpern, Shorthand Reporter,  
 4 certify;  
 5 That the foregoing proceedings were taken  
 6 before me at the time and place therein set forth, at  
 7 which time the witness was put under oath by me;  
 8 That the testimony of the witness and all of  
 9 the objections made at the time of the examination were  
 10 recorded stenographically by me and were thereafter  
 11 transcribed;  
 12 That the foregoing is a true and correct  
 13 transcript of my shorthand notes so taken.  
 14 I further certify that I am not a relative or  
 15 employee of any attorney or of any of the parties, nor  
 16 financially interested in the action.  
 17 I declare under penalty of perjury under the  
 18 laws of the State of New York that the foregoing is true  
 19 and correct.  
 20 Dated this 11th day of March, 2007.  
 21  
 22  
 23 KERRY D. HALPERN, Shorthand Reporter  
 24  
 25

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1 REPORTER'S CERTIFICATION OF CERTIFIED COPY  
 2  
 3 I, KERRY D. HALPERN, Shorthand Reporter in the  
 4 State of New York, certify that the foregoing pages 248  
 5 through 323, constitute a true and correct copy of the  
 6 original deposition of CHRISTIAN HOLINKA, taken on March  
 7 1, 2007.  
 8 I declare under the penalty of perjury under  
 9 the laws of the State of New York that the foregoing is  
 10 true and correct.  
 11 Dated the 11th day of March, 2007.  
 12  
 13  
 14 KERRY D. HALPERN, Shorthand Reporter  
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